



Special - Regular Meeting Agenda

City Council

Rich Constantine - Mayor
Rene Spring - Mayor Pro Tem
Yvonne Martinez Beltran - Council Member
Larry Carr - Council Member
John McKay - Council Member

Wednesday, December 4, 2019 6:00 p.m.

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

SPECIAL/REGULAR MEETING

A special meeting of the City Council is called at 6:00 pm for the purpose of conducting a Joint Morgan Hill City Council and the South Santa Clara County Fire District Board of Commissioners meeting to receive a presentation on the Fire Services Hazard-Risk Assessment and Standards of Coverage Study

TELECONFERENCE

Mayor Constantine will be participating in the meeting via teleconference as follows:

Hyatt Place Washington DC
400 E St SW
Washington DC 20024

Public comment from the teleconference location shall be allowed.

CALL TO ORDER

Mayor Pro Tem Spring

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow
Board Clerk Kim Camarena

ROLL CALL:

Mayor Constantine, Mayor Pro Tem Spring, Council Member Martinez Beltran, Council Member John McKay, Council Member Larry Carr

Commissioner Lewis, Commissioner Acker, Commissioner Ludewig, Commissioner Monaco,
Commissioner Scatena, Commissioner Velasco

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2
Deputy City Clerk Michelle Bigelow
Board Clerk Kim Camarena

SPECIAL MEETING

6:00 P.M.

1. FIRE SERVICES HAZARD-RISK ASSESSMENT AND STANDARDS OF COVERAGE STUDY PRESENTATION

Recommendation:

Receive presentation.

REGULAR MEETING

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Carr

CITY MANAGER'S REPORT

City Manager Christina Turner

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

2. ACCEPT COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2019

Recommendation:

Accept the City's Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2019.

3. ADOPT RESOLUTION APPROVING AND MAKING FINDINGS RELATED TO THE AB 1600 DEVELOPMENT IMPACT FEE ANNUAL REPORT FOR FISCAL YEAR 2018-19

Recommendation:

Adopt resolution making findings for unexpended development impact fees and accept the annual development impact fee report.

4. APPROVE SECOND AMENDMENT TO DESIGN SERVICES AGREEMENT WITH HYDROSCIENCE ENGINEERS FOR THE NEW SEWER TRUNK PROJECT

Recommendation:

1. Approve Second Amendment to Service Agreement for Design Professionals with HydroScience Engineers, Inc. to provide additional services for the New Sewer Trunk Line to Gilroy project for an additional \$531,050, for a total not to exceed amount of \$1,704,710; and
2. Authorize the City Manager to execute and administer the amended services agreement.

5. ADOPT RESOLUTION INITIATING 2020 HAZARDOUS VEGETATION PROGRAM

Recommendation:

Adopt resolution declaring weeds and brush to be a nuisance and setting the hazardous vegetation public hearing on February 5, 2020.

6. ACCEPT THE ANNUAL SB 165 REPORT FOR COMMUNITY FACILITIES DISTRICT NO. 2014-1 (FISHER CREEK)

Recommendation:

Accept the report.

7. APPROVE DESIGN SERVICES AGREEMENT WITH SCHAAF & WHEELER FOR INFLOW AND INFILTRATION PROJECT

Recommendation:

Approve and authorize the City Manager to execute and administer the design services agreement with Schaaf and Wheeler, in the not to exceed amount of \$145,555, for the design of the Sewer Inflow and Infiltration Project.

8. APPROVE AGREEMENT FOR WATER LABORATORY TESTING AND ANALYSIS SERVICES

Recommendation:

Approve and authorize the City Manager to execute and administer a three-year service agreement for a not to exceed amount of \$200,000 with Alpha Analytical Laboratories, Inc., for water laboratory testing and analysis services.

9. APPROVAL OF FINAL MAP FOR SAN SEBASTIAN PHASE 2C - TRACT NO. 10478

Recommendation:

1. Approve the Final Map;
2. Approve and Authorize the City Manager to execute and administer a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
3. Authorize the recordation of the Final Map and the Stormwater BMP Operation and Maintenance Agreement.

10. AWARD DOWNTOWN CROSSWALK SAFETY IMPROVEMENTS PROJECT

Recommendation:

1. Approve the Downtown Crosswalk Safety Improvements Project plans and specifications;
2. Award contract to Golden Bay Construction, Inc. for the Downtown Crosswalk Safety Improvements Project in the amount of \$123,309;
3. Authorize expenditure of construction contingency funds not to exceed \$12,331; and
4. Authorize the City Manager to execute and administer the construction contract with Golden Bay Construction, Inc., pending review and approval by the City Attorney.

11. REJECT PROPOSALS FOR LANDSCAPE MAINTENANCE GROUP 5

Recommendation:

Reject proposals for Landscape Maintenance Group 5 per Municipal Code Section 3.04.170, and direct staff to maintain the Group 5 Landscape Assessment Districts with in-house maintenance staff.

12. REJECT BIDS FOR CENTENNIAL RECREATION CENTER GENERATOR PROJECT

Recommendation:

1. Reject bids for the Centennial Recreation Center Generator Project and direct staff to re-bid the project with design changes; and
2. Authorize the City Manager to negotiate and execute modifications to the previously approved California Office of Emergency Services' 404 Hazard Mitigation Grant Program agreement.

13. ANDERSON DAM PROJECT ADVOCACY

Recommendation:

Informational Only.

OTHER BUSINESS

14. INTRODUCE ORDINANCE PROHIBITING SALE OF FLAVORED TOBACCO AND VAPING (E-CIGARETTE) PRODUCTS

Recommendation:

1. Waive the first and second reading of the ordinance; and
2. Introduce the ordinance prohibiting the sale of flavored tobacco and e-cigarette products.

Estimated Time: 60 Minutes

15. PROVIDE DIRECTION REGARDING NON-STOREFRONT (DELIVERY ONLY) CANNABIS RETAIL ORDINANCE

Recommendation:

1. Direct staff to return with an ordinance which allows non-storefront, delivery only, cannabis retail within the City limits.
OR
2. Continue to maintain Chapter 9.16 of the Morgan Hill Municipal Code prohibiting all activities related to commercial cannabis, unless otherwise allowed by state law.

Estimated Time: 10 Minutes

16. DISCUSS FIRE SERVICES HAZARD-RISK ASSESSMENT AND STANDARDS OF COVERAGE ASSESSMENT PREPARED AND PRESENTED BY CITYGATE ASSOCIATES, LLC

Recommendation:

1. Receive report; and
2. Provide direction to staff on next steps.

Estimated Time: 30 Minutes

17. ACCEPT SEPTEMBER 2019 FINANCIAL AND INVESTMENT AND CITY MANAGER AUTHORITY REPORTS

Recommendation:

Accept and file report.

Estimated Time: 10 Minutes

18. SELECT CITY COUNCIL MAYOR PRO TEMPORE AND REVIEW CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Recommendation:

1. Open floor to nomination(s) for Mayor Pro Tempore;
2. Select a Council Member to serve as Mayor Pro Tempore per City Council Policy 99-01;
3. Review and approve the City Council Appointments to Outside Agencies; and
4. Direct the City Clerk to notify the appropriate agencies of the updated assignments and update the Form 806 as necessary.

Estimated Time: 10 Minutes

PUBLIC HEARING

19. APPROVE AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR DUNNE-YOUNG TO INCORPORATE 26 BUILDING ALLOTMENTS FOR FISCAL YEAR 2020-21 AWARDED FROM THE 2018 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM AND TRANSFERRED FROM THE MONTEREY-LUCKY SHING (MANZANITA PARK) PROJECT FOR THE 46-UNIT EAST DUNNE-YOUNG PROJECT (ALSO KNOWN AS ANDALUSIA) LOCATED ON THE NORTH SIDE OF E. DUNNE AVENUE BEHIND THE KINDERCARE LEARNING CENTER LOCATED AT 605 E. DUNNE AVENUE

Recommendation:

1. Open/close public hearing;
2. Waive the first and second reading of ordinance approving amendment to a Development Agreement (DA 2018-0002) and a transfer of allotments from the Monterey-Lucky-Shing project; and
3. Introduce ordinance amending the Development Agreement.

Estimated Time: 30 Minutes

20. ADOPT ORDINANCE AMENDING SECTION 18.24.020 (LAND USE REGULATIONS) OF CHAPTER 18.24 (COMMERCIAL ZONING DISTRICTS); AMENDING SECTION 18.92.030 (CONVENIENCE MARKETS) OF, AND ADDING SECTIONS 18.92.031 (LIQUOR STORE) AND 18.92.032 (CONVENIENCE MARKETS WITH FUEL AND SERVICE STATIONS) TO, CHAPTER 18.92 (SUPPLEMENTAL STANDARDS); AND AMENDING SECTION 18.124.040 (COMMERCIAL USES) OF CHAPTER 18.124 (LAND USE DEFINITIONS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGULATING CONVENIENCE MARKETS, FUEL AND SERVICE STATIONS, AND LIQUOR STORES

Recommendation:

1. Open and close public hearing;
2. Waive first and second reading of Zoning Amendment Ordinance; and
3. Introduce Zoning Amendment Ordinance.

Estimated Time: 30 Minutes

21. ADOPT ZONING ORDINANCE AMENDING CHAPTER 18.84: ACCESSORY DWELLING UNITS AND UPDATING DEFINITIONS IN CHAPTER 18.124 OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING AMENDMENTS MADE TO THE CALIFORNIA PLANNING AND ZONING LAW REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS BY ASSEMBLY BILL 68, ASSEMBLY BILL 881, AND SENATE BILL 13

Recommendation:

1. Open/close the public hearing;
2. Waive first reading of the Zoning Amendment Ordinance; and
3. Introduce the Zoning Amendment Ordinance.

Estimated Time: 30 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

SUSTAINABLE MORGAN HILL



VISION

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community

Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment
- Maintaining Fiscal Responsibility
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advancing Regional Initiatives

2019-2020 Strategic Priorities

- Agricultural Preservation
- Cannabis Policy
- Community Engagement and Messaging
- Economic Development
- Financial Stewardship
- High Speed Rail
- Homelessness
- Housing
- Infrastructure
- Telecommunications
- Traffic/Transportation

